

# CONSTITUTION OF MAINE

## 1820

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WE the people of Maine, in order to establish justice, ensure Preamble. tranquillity, provide for our mutual defence, promote our common welfare, and secure to ourselves and our posterity the blessings of Liberty, acknowledging with grateful hearts the goodness of the Sovereign Ruler of the Universe in affording us an opportunity, so favorable to the design; and, imploring his aid and direction in its accomplishment, do agree to form ourselves into a free and independent State, by the style and title of the State of Maine, and do ordain and establish the following Constitution for the government of the same.

### ARTICLE I.

#### DECLARATION OF RIGHTS.

SECT. 1. All men are born equally free and independent, and have certain natural, inherent and unalienable Rights, Natural rights. among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness.

SECT. 2. All power is inherent in the people; all free All power inherent in the people. governments are founded in their authority and instituted for their benefit; they have therefore an unalienable and indefeasible right to institute government, and to alter, reform, or totally change the same, when their safety and happiness require it.

SECT. 3. All men have a natural and unalienable right to Freedom of worship. worship Almighty God according to the dictates of their own consciences, and no one shall be hurt, molested or restrained in his person, liberty or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience, nor for his religious professions or sentiments, provided he does not disturb the public peace, nor obstruct others in their religious worship;—and all persons demeaning All religious sects equal. themselves peaceably, as good members of the State, shall be

amendment shall be made; and if it shall appear that a majority of the inhabitants voting on the question are in favor of such amendment, it shall become a part of this Constitution.

Persons in office  
to continue to  
hold their offices.

**SECT. 5.** All officers provided for in the sixth section of an act of the Commonwealth of Massachusetts, passed on the nineteenth day of June, in the year of our Lord one thousand eight hundred and nineteen, entitled "An act relating to the Separation of the District of Maine from Massachusetts Proper, and forming the same into a separate and Independent State," shall continue in office as therein provided; and the following provisions of said act shall be a part of this Constitution, subject however to be modified or annulled as therein is prescribed, and not otherwise, to wit:

Part of a Law of  
Massachusetts  
made a part of  
the constitution.

**SECT. 1.** Whereas it has been represented to this Legislature, that a majority of the people of the District of Maine are desirous of establishing a separate and Independent Government within said District: Therefore,  
*"Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the consent of this Commonwealth be, and the same is hereby given, that the District of Maine may be formed and erected into a separate and Independent State, if the people of the said District shall in the manner, and by the majority hereinafter mentioned, express their consent and agreement thereto, upon the following terms and conditions: And, provided the Congress of the United States shall give its consent thereto, before the fourth day of March next: which terms and conditions are as follows, viz.*

*"First.* All the lands and buildings belonging to the Commonwealth, within Massachusetts Proper, shall continue to belong to said Commonwealth, and all the lands belonging to the Commonwealth, within the District of Maine, shall belong, the one half thereof to the said Commonwealth, and the other half thereof, to the State to be formed within the said District, to be divided as is hereinafter mentioned; and the lands within the said District, which shall belong to the said Commonwealth, shall be free from taxation, while the title to the said lands remains in the Commonwealth; and the rights of the Commonwealth to their lands, within said District, and the remedies for the recovery thereof, shall continue the same, within the proposed State, and in the Courts thereof, as they now are within the said Commonwealth, and in the Courts thereof; for which purposes, and for the maintenance of its rights, and recovery of its lands, the said Commonwealth shall be entitled to all other proper and legal remedies, and may appear in the Courts of the proposed State and in the Courts of the United States, holden therein; and all rights of action for, or entry into lands, and of actions upon bonds, for the breach of the performance of the condition of settling duties, so called, which have accrued, or may accrue, shall remain in this Commonwealth, to be enforced, commuted, released, or otherwise disposed of, in such manner as this Commonwealth may hereafter, determine: *Provided however, That, whatever this Commonwealth may hereafter receive or obtain on account thereof if any thing, shall, after deducting all reasonable charges relating thereto, be divided, one third part thereof to the new State, and two third parts thereof to this Commonwealth.*

*"Second.* All the arms which have been received by this Commonwealth from the United States, under the law of Congress, entitled, "An act making provision for arming and equipping the whole body of militia of the United States, passed April the twenty-third, one thousand eight hundred and eight, shall, as soon as the said District shall become a sep-

arate State, be divided between the two States, in proportion to the returns of the militia, according to which, the said arms have been received from the United States, as aforesaid.

*“ Third.* All money, stock, or other proceeds, hereafter derived from the United States, on account of the claim of this Commonwealth, for disbursements made, and expenses incurred, for the defence of the State, during the late war with Great Britain, shall be received by this Commonwealth, and when received, shall be divided between the two States, in the proportion of two thirds to this Commonwealth, and one third to the new State.

*“ Fourth.* All other property, of every description, belonging to the Commonwealth shall be holden and receivable by the same, as a fund and security, for all debts, annuities, and Indian subsidies, or claims due by said Commonwealth; and within two years after the said District shall have become a separate State, the Commissioners to be appointed, as hereinafter provided, if the said States cannot otherwise agree, shall assign a just portion of the productive property, so held by said Commonwealth as an equivalent and indemnification to said Commonwealth, for all such debts, annuities, or Indian subsidies or claims, which may then remain due, or unsatisfied: and all the surplus of the said property, so holden, as aforesaid, shall be divided between the said Commonwealth and the said District of Maine, in the proportion of two thirds to the said Commonwealth, and one third to the said District—and if, in the judgment of the said Commissioners, the whole of said property, so held, as a fund and security, shall not be sufficient indemnification for the purpose, the said District shall be liable for and shall pay to said Commonwealth, one third of the deficiency.

*“ Fifth.* The new State shall, as soon as the necessary arrangements can be made for that purpose, assume and perform all the duties and obligations of this Commonwealth, towards the Indians within said District of Maine, whether the same arise from treaties, or otherwise; and for this purpose shall obtain the assent of said Indians, and their release to this Commonwealth of claims and stipulations arising under the treaty at present existing between the said Commonwealth and said Indians; and as an indemnification to such new State, therefor, this Commonwealth, when such arrangements shall be completed, and the said duties and obligations assumed, shall pay to said new State, the value of thirty thousand dollars, in manner following, viz.: The said Commissioners shall set off by metes and bounds, so much of any part of the land, within the said District, falling to this Commonwealth, in the division of the public lands, hereinafter provided for, as in their estimation shall be of the value of thirty thousand dollars; and this Commonwealth shall, thereupon, assign the same to the said new State, or in lieu thereof, may pay the sum of thirty thousand dollars at its election; which election of the said Commonwealth, shall be made within one year from the time that notice of the doings of the Commissioners, on this subject, shall be made known to the Governor and Council; and if not made within that time, the election shall be with the new State.

*“ Sixth.* Commissioners, with the powers and for the purposes mentioned in this act, shall be appointed in manner following: The Executive authority of each State shall appoint two; and the four so appointed, or the major part of them, shall appoint two more; but if they cannot agree in the appointment, the Executive of each State shall appoint one in addition; not however, in that case, to be a citizen of its own State. And any vacancy happening with respect to the Commissioners, shall be supplied in the manner provided for their original appointment; and, in addition to the powers herein before given to said Commissioners, they shall have full power and authority to divide all the public lands within the District, between the respective States, in equal shares, or moieties, in severalty, having regard to quantity, situation and quality; they shall

determine what lands shall be surveyed and divided, from time to time, the expense of which surveys, and of the Commissioners, shall be borne equally by the two States. They shall keep fair records of their doings, and of the surveys made by their direction, copies of which records, authenticated by them, shall be deposited from time to time, in the archives of the respective States; transcripts of which, properly certified, may be admitted in evidence, in all questions touching the subject to which they relate. The Executive authority of each State may revoke the power of either or both its commissioners; having, however, first appointed a substitute, or substitutes, and may fill any vacancy happening with respect to its own Commissioners; four of said Commissioners shall constitute a quorum, for the transaction of business; their decision shall be final, upon all subjects within their cognizance. In case said commission shall expire, the same not having been completed, and either State shall request the renewal or filling up of the same, it shall be renewed or filled up in the same manner, as is herein provided for filling the same, in the first instance, and with the like powers; and if either State shall, after six months' notice, neglect or refuse to appoint its Commissioners, the other may fill up the whole commission.

*“Seventh.* All grants of land, franchises, immunities, corporate or other rights, and all contracts for, or grants of land not yet located which have been or may be made by the said Commonwealth, before the separation of said District shall take place, and having or to have effect within the said District, shall continue in full force, after the said District shall become a separate State. But the grant which has been made to the President and Trustees of Bowdoin College, out of the tax laid upon the Banks, within this Commonwealth, shall be charged upon the tax upon the Banks within the said District of Maine, and paid according to the terms of said grant; and the President and Trustees, and the Overseers of said College, shall have, hold and enjoy their powers and privileges in all respects; so that the same shall not be subject to be altered, limited, annulled or restrained, except by judicial process, according to the principles of law; and in all grants hereafter to be made, by either State, of unlocated land within the said District, the same reservations shall be made for the benefit of Schools, and of the Ministry, as have heretofore been usual, in grants made by this Commonwealth. And all lands heretofore granted by this Commonwealth, to any religious, literary, or eleemosynary corporation, or society, shall be free from taxation, while the same continues to be owned by such corporation, or society.

*“Eighth.* No laws shall be passed in the proposed State, with regard to taxes, actions, or remedies at law, or bars, or limitations thereof, or otherwise making any distinction between the lands and rights of property of proprietors not resident in, or not citizens of said proposed State, and the lands and rights of property of the citizens of the proposed State, resident therein; and the rights and liabilities of all persons, shall, after the said separation, continue the same as if the said District was still a part of this Commonwealth, in all suits pending, or judgments remaining unsatisfied on the fifteenth day of March next, where the suits have been commenced in Massachusetts Proper, and process has been served within the District of Maine; or commenced in the District of Maine, and process has been served in Massachusetts Proper, either by taking bail, making attachments, arresting and detaining persons, or otherwise, where execution remains to be done; and in such suits, the Courts within Massachusetts Proper, and within the proposed State, shall continue to have the same jurisdiction as if the said District had still remained a part of the Commonwealth. And this Commonwealth shall have the same remedies within the proposed State, as it now has, for the collection of all taxes, bonds, or debts, which may be assessed, due, made, or contracted, by, to, or with the Commonwealth, on or before the said fifteenth day of March, within the said District of Maine; and all officers within Massa

chusets Proper and the District of Maine shall conduct themselves accordingly.

"*Ninth.* These terms and conditions, as here set forth, when the said District shall become a separate and Independent State, shall, *ipso facto* be incorporated into, and become and be a part of any Constitution, provisional or other, under which the Government of the said proposed State, shall, at any time hereafter, be administered; subject however, to be modified, or annulled by the agreement of the Legislature of both the said States; but by no other power or body whatsoever."

SEC. 6. This Constitution shall be enrolled on parchment, deposited in the Secretary's office, and be the supreme law of the State, and printed copies thereof shall be prefixed to the books containing the laws of this State.

Constitution to  
be enrolled on  
parchment.

*Done in Convention, October 29, 1819.*

WILLIAM KING, *President*

*of the Convention and member from Bath.*

COUNTY OF YORK.

|                       |                         |
|-----------------------|-------------------------|
| YORK,                 | Elihu Bragdon,          |
|                       | David Wilcox.           |
| <i>Kittery,</i>       | Alexander Rice.         |
| <i>Wells,</i>         | Joseph Thomas.          |
| <i>Berwick,</i>       | William Hobbs,          |
|                       | Nathaniel Hobbs,        |
|                       | Richard F. Cutts.       |
| <i>Biddeford,</i>     | George Thacher,         |
|                       | Seth Spring.            |
| <i>Arundel,</i>       | Simon Nowell.           |
| <i>Saco,</i>          | William Moody,          |
|                       | Ether Shepley,          |
|                       | George Thacher, junior. |
| <i>Lebanon,</i>       | David Legrow.           |
| <i>Buxton,</i>        | Gideon Elden,           |
|                       | Josiah Paine,           |
|                       | Edmund Woodman.         |
| <i>Lyman,</i>         | John Low,               |
|                       | John Burbank.           |
| <i>Shapleigh,</i>     | John Leighton.          |
| <i>Parsonsfield,</i>  | David Marston,          |
|                       | Abner Keazer.           |
| <i>Waterborough,</i>  | Samuel Bradeen,         |
|                       | Henry Hobbs.            |
| <i>Limington,</i>     | David Boyd.             |
| <i>Cornish,</i>       | Thomas A. Johnson.      |
| ALFRED,               | John Holmes.            |
| <i>Hollis,</i>        | Ellis B. Usher,         |
|                       | Timothy Hodgdon.        |
| <i>South-Berwick,</i> | Benjamin Green.         |
| <i>Limerick,</i>      | John Burnham.           |

## CUMBERLAND.

|   |  |
|---|--|
| <i>Scarborough,</i>   | Benjamin Larrabee, junior,<br>Joseph Fogg.   |
| <i>North-Yarmouth,</i>  | William Buxton,<br>Ephraim Sturdevant,<br>Jeremiah Buxton.   |
| <i>Falmouth,</i>  | Peter M. Knight,<br>Nathan Bucknam.  |
| <i>Brunswick,</i>   | Robert D. Dunning,<br>Jonathan Page,<br>Benjamin Titcomb.  |
| <i>Harpswell,</i><br><i>Gorham,</i>   | Stephen Purrington.<br>Lathrop Lewis,<br>Joseph Adams,<br>James Irish.   |
| <i>Cape-Elizabeth,</i><br><i>New-Gloucester,</i>  | Ebenezer Thrasher.<br>Joseph E. Foxcroft,<br>Isaac Gross.  |
| <i>Gray,</i><br><i>Standish,</i>  | Joseph McLellan.<br>Theodore Mussey.   |
| PORTLAND,   | Albion K. Parris,<br>William P. Preble.  |
| <i>Freeport,</i><br><i>Durham,</i>  | Solomon Dennison.<br>Secomb Jordan,<br>Allen H. Cobb.  |
| <i>Bridgton,</i><br><i>Poland,</i><br><i>Minot,</i>   | Phinehas Ingalls.<br>Josiah Dunn, junior.<br>Asaph Howard,<br>Chandler Freeman.  |
| <i>Danville,</i><br><i>Baldwin,</i><br><i>Raymond,</i><br><i>Pownal,</i><br><i>Westbrook,</i> | Joseph Roberts.<br>Lot Davis.<br>Zachariah Leach.<br>Isaac Cushman.<br>Silas Estes,<br>Thomas Slemonds,<br>John Jones. |
| <i>Harrison,</i>  | Amos Thomes.   |

## LINCOLN.

|  |   |
|--|---|
| <i>Georgetown,</i><br><i>New-Castle,</i><br><i>Woolwich,</i> | Benjamin Riggs.<br>Ebenezer Farley,<br>Ebenezer Delano. |
| WISCASSET,   | Abiel Wood,<br>Warren Rice.                             |
| <i>Bowdoinham,</i>   | Ebenezer Herrick,<br>Elihu Hatch.                       |
| TOPSHAM,<br><i>Boothbay,</i>                                 | Nathaniel Green.<br>Daniel Rose,<br>John McKown,        |

|                            |   |
|----------------------------|---|
| <i>Bristol</i>             | Samuel Tucker,<br>William M'Clintock,<br>John Fosset.   |
| <i>Waldoborough,</i>       | Joshua Head,<br>Isaac G. Reed,<br>Jacob Ludwig, Junior. |
| <i>Edgcomb,</i><br>WARREN, | Stephen Parsons.<br>John Miller,<br>Cyrus Eaton.        |
| <i>Thomaston,</i>          | Isaac Barnard,<br>John Spear.                           |
| <i>Bath,</i>               | Joshua Wingate, junior,<br>Benjamin Ames.               |
| <i>Union,</i>              | Robert Foster.  |
| <i>Bowdoin,</i>            | Joseph Carr.  |
| <i>Nobleborough,</i>       | Ephraim Rollins.  |
| <i>Cushing,</i>            | Edward Killeran.  |
| <i>Camden,</i>             | Nathaniel Martin.                                       |
| <i>Dresden,</i>            | Isaac Lillie.   |
| <i>Lewiston,</i>           | John Herrick.   |
| <i>Litchfield,</i>         | John Neal,<br>David C. Burr.                            |
| <i>Lisbon,</i>             | Nathaniel Eames,<br>James Small.                        |
| <i>St. George,</i>         | Joel Miller.  |
| <i>Hope,</i>               | Fergus M'Claine.  |
| <i>Palermo,</i>            | Thomas Eastman.   |
| <i>Montville,</i>          | Cyrus Davis.  |
| <i>Jefferson,</i>          | Jesse Rowell.   |
| <i>Friendship,</i>         | Melzer Thomas.  |
| <i>Whitfield,</i>          | Joseph Bailey.  |
| <i>Putnam,</i>             | Mark Hatch.   |
| <i>Alna,</i>               | John Dole.  |
| <i>Wales,</i>              | Joseph Small.   |

KENNEBEC.

|                       |   |
|-----------------------|---|
| <i>Hallowell,</i>     | Samuel Moody,<br>William H. Page,<br>Benjamin Dearborn. |
| <i>Winthrop,</i>      | Alexander Belcher,<br>Daniel Campbell.                  |
| <i>Vassalborough,</i> | Samuel Redington,<br>Abiel Getchel.                     |
| <i>Winslow,</i>       | William Swan.   |
| <i>Pittston,</i>      | Eli Young.  |
| <i>Green,</i>         | Luther Robbins.   |
| <i>Readfield,</i>     | John Hubbard,<br>Samuel Currier.                        |

*Monmouth,**Mount-Vernon,  
Sidney,**Farmington,**New-Sharon,  
Clinton,**Fayette,  
Belgrade,  
Harlem,  
AUGUSTA,**Wayne,  
Leeds,  
Chesterville,  
Vienna,  
Waterville,**Gardiner,**Temple,  
Wilton,  
Rome,  
Fairfax,  
Unity,  
Malta,  
Freedom,  
Joy,  
China,**Belfast,  
Islesborough,  
Deer-Isle,**Bluehill,  
Trenton,  
Sullivan,  
Gouldsborough,  
Vinalhaven,  
Frankfort,**Bucksport,  
Prospect,  
CASTINE,  
Northport,  
Eden,*John Chandler,  
Simon Dearborn, junior.  
David McGaffey.  
Ambrose Howard,  
Reuel Howard.  
Nathan Cutler,  
Jabez Gay.  
Christopher Dyer.  
Herbert Moore.  
Charles Smith.  
Elias Taylor.  
William Pullen.  
Daniel Cony,  
Joshua Gage,  
James Bridge.  
Joseph Lamson.  
Thomas Francis.  
Ward Locke.  
Nathaniel Whittier.  
Abijah Smith,  
Ebenezer Bacon.  
Jacob Davis,  
Sanford Kingsbery.  
Benjamin Abbot.  
Ebenezer Eaton.  
John S. Colbath.  
Joel Wellington.  
Rufus Burnham.  
William Hilton.  
Matthew Randall.  
James Parker.  
Daniel Stevens.

## HANCOCK.

Alfred Johnson, junior.  
Josiah Farrow.  
Ignatius Haskell,  
Asa Green.  
Andrew Witham.  
Peter Haynes.  
George Henman.  
Samuel Davis.  
Benjamin Beverage.  
Alexander Milliken,  
Joshua Hall.  
Samuel Little.  
Abel W. Atherton.  
William Abbot.  
David Alden.  
Nicholas Thomas, junior.

*Orland,*  
*Ellsworth,*  
*Lincolnville,*  
*Belmont,*  
*Brooks,*  
*Jackson,*  
*Searsmont,*  
*Swanville,*  
*Thorndike,*  
*Monroe,*  
*Knox,*

*MACHIAS,*  
*Steuben,*  
*Harrington,*  
*Eastport,*  
*Jonesborough,*  
*Calais,*  
*Lubec,*  
*Robbinston,*  
*Cherryfield,*  
*Perry,*

*Fryeburg,*  
*Turner,*

*Hebron,*  
*Buckfield,*  
*PARIS,*

*Jay,*  
*Livermore,*

*Bethel,*  
*Waterford,*  
*Norway,*  
*Hartford,*  
*Sumner,*  
*Rumford,*  
*Lovell,*  
*Brownfield,*  
*Albany,*  
*Dixfield,*  
*East-Andover,*  
*Gilead,*  
*Newry,*  
*Denmark,*  
*Porter,*  
*Hiram,*  
*Woodstock,*  
*Greenwood,*  
*Sweden,*  
*Weld,*  
*Mexico,*

Horatio Mason.  
Mark Shepard.  
Samuel A. Whitney.  
James Weymouth.  
Samuel Whitney.  
Bordman Johnson.  
Ansel Lathrop.  
Eleazer Nickerson.  
Joseph Blethen.  
Joseph Neally.  
James Weed.

WASHINGTON.

John Dickinson.  
Alexander Nichols.  
James Campbell.  
John Burgin.  
Ephraim Whitney.  
William Vance.  
Lemuel Trescott.  
Thomas Vose.  
Joseph Adams.  
Peter Golding.

OXFORD.

Judah Dana.  
John Turner,  
Philip Bradford.  
Alexander Greenwood.  
Enoch Hall.  
James Hooper,  
Benjamin Chandler.  
Cornelius Holland.  
Benjamin Bradford,  
Thomas Chase, junior.  
John Grover.  
Josiah Shaw.  
Aaron Wilkins.  
Joseph Tobin.  
Calvin Bisbee.  
Peter C. Virgin.  
Josiah Heald, 2d.  
James Steele.  
Asa Cummings.  
Solomon Leland.  
Sylvanus Poor.  
Eliphaz Chapman.  
Luke Reily.  
Cyrus Ingalls.  
William Towle.  
Marshal Spring.  
Cornelius Perkins.  
Isaac Flint.  
Samuel Nevers.  
La Fayette Perkins.  
Walter P. Carpenter.

SOMERSET.

*Canaan,*  
*Fairfield,*  
 NORRIDGEWOCK,  
*Starks,*  
*Cornville,*  
*Anson,*  
*Strong,*  
*Avon,*  
*New-Vineyard,*  
*Harmony,*  
*Industry,*  
*Athens,*  
*Madison,*  
*Embden,*  
*Palmyra,*  
*Freeman,*  
*New-Portland,*  
*Solon,*  
*Bingham,*  
*Phillips,*  
*St. Albans,*  
*Kingfield,*  
*Corinna,*  
*Ripley,*  
*Bloomfield,*  
*Warsaw,*

Wentworth Tuttle.  
 William Kendall.  
 William Allen, junior.  
 James Waugh.  
 George Bixby.  
 James Collins.  
 James Mayhew.  
 Samuel Sprague.  
 William Talcott.  
 Robert Evans.  
 Ezekiel Hinkley.  
 Isaiah Door.  
 John Neal.  
 Andrew McFadden.  
 Samuel Lancey.  
 Jonathan Brown.  
 Henry Norton.  
 Elisha Coolidge.  
 Obed Wilson.  
 Joseph Dyer.  
 Benjamin French.  
 Joseph Knapp.  
 William Elder.  
 Jacob Hale.  
 Eleazer Coburn.  
 Stevens Kendall.

PENOBSCOT.

*Hampten,*  
*Orrington,*  
 BANGOR,  
*Orono,*  
*Dixmont,*  
*Brewer,*  
*Eddington,*  
*Carmel,*  
*Corinth,*  
*Exeter,*  
*Garland,*  
*New-Charleston,*  
*Foxcroft,*  
*Sebec,*  
*Hermon,*  
*Levant,*  
*Newport,*  
*Sangerville,*  
*Dexler,*  
*Guilford,*  
*Atkinson,*  
*Newburgh,*

Simeon Stetson.  
 John Wilkins.  
 Joseph Treat.  
 Jackson Davis.  
 Samuel Butman.  
 George Leonard.  
 Luther Eaton.  
 Abel Ruggles.  
 Andrew Strong.  
 Nathaniel Atkins.  
 Amos Gordon.  
 Daniel Wilkins.  
 Samuel Chamberlain.  
 William R. Lowney.  
 William Patten.  
 Moses Hodsdon.  
 Benjamin Shaw.  
 Benjamin C. Goss.  
 Isaac Farrar.  
 Joseph Kelsey,  
 Eleazer W. Snow.  
 John Whitney.

*Attest,*

ROBERT C. VOSE, *Secretary.*